

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN KARL FREDERICK, JR.,

Defendant.

CR 12-79-GF-BMM-01

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 24, 2015. (Doc. 49). Neither party filed objections. The Court need not review *de novo* the proposed Findings and Recommendations when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Frederick admitted to having violated three conditions of his supervised release. (Doc. 49). Frederick admitted to having violated: (1) standard condition 2 by failing to submit written monthly reports to his probation officer and by failing to report to his probation officer as directed; (2) standard condition 7 by failing to

refrain from the use of marijuana; and, (3) special condition 1 by failing to abstain from the consumption of alcohol. *Id.*

Judge Johnston found Frederick's admissions sufficient to establish a supervised release violation. (Doc. 49). Judge Johnston recommends that the Court revoke Frederick's supervised release. *Id.* Judge Johnston submits that the Court sentence Frederick to eight (8) months imprisonment with a term of eighteen (18) months of supervised release to follow. *Id.*

Frederick's criminal history category is VI, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of twenty-four months in custody. The applicable guideline custody range is eight to fourteen months. The Court may impose a term of supervised release of up to 36 months, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Frederick admitted that he violated multiple conditions of his supervised release. A sentence of eight (8) months imprisonment with a term of eighteen (18) months supervised release to follow is appropriate in light of his numerous violations and continued alcohol abuse. The term of supervised release will provide Frederick with structure, the opportunity to complete treatment, and ensure that Frederick remains accountable to his probation officer.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 49) is ADOPTED IN FULL. Judgment shall be entered accordingly.

DATED this 11th day of May, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge